



**EDWARD B. HATCHETT, JR.
AUDITOR OF PUBLIC ACCOUNTS**

**REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS
INCLUDING
AGENCY TITLE VI IMPLEMENTATION PLANS,
UPDATES, AND COMPLIANCE REPORTS**

AS REQUIRED BY KRS CHAPTER 344

For the Year Ended June 30, 2000

Due to file size constraints, this publication may not be posted on the web in its entirety. The first thirty-four (34) pages follow, which comprise the Auditor of Public Accounts' Report on Compliance with Civil Rights Laws. To view an individual agency's Title VI Implementation Plan, Update, and Compliance Report, please click on the Agency's name in the table of contents. Or, if you prefer, you may contact Mona Logsdon, Open Records Administrator, at Mlogsdon@kyauditor.net to have the entire report e-mailed to you in five (5) sections.



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UPDATES, AND COMPLIANCE REPORTS**

AS REQUIRED BY KRS CHAPTER 344

For the Year Ended June 30, 2000

**EDWARD B. HATCHETT, JR.
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EDWARD B. HATCHETT, JR.
AUDITOR OF PUBLIC ACCOUNTS

June 22, 2001

To the People of Kentucky

Honorable Paul E. Patton, Governor

Honorable Jody Richards, Speaker of the House

Honorable David L. Williams, President of the Senate

Beverly Watts, Executive Director, Commission on Human Rights

Robert Sherman, Director, Legislative Research Commission

In accordance with Chapter 344.015(3) of the Kentucky Revised Statutes, the Auditor of Public Accounts submits the Commonwealth of Kentucky's *Report on Compliance With Civil Rights Laws Including Agency Title VI Implementation Plans, Updates, and Compliance Reports* of state agencies.

Title VI of the Civil Rights Act of 1964 prohibits any program or activity receiving federal funds from excluding participation, denying benefits, or subjecting any individual to discrimination, on the basis of "race, color, or national origin." In accordance with legislation passed by the 1994 General Assembly, state agencies receiving federal funds are required to develop an implementation plan and submit annual compliance reports to the Auditor of Public Accounts so that the public may learn whether and how well state agencies are complying with Title VI. The Office of the Auditor of Public Accounts compiles Title VI plans, updates, and compliance reports of state agencies.

The results of this compilation are contained in the attached report.

Respectfully submitted,

Edward B. Hatchett, Jr.
Auditor of Public Accounts

REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS INCLUDING AGENCY TITLE VI IMPLEMENTATION PLANS, UPDATES, AND COMPLIANCE REPORTS

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**REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS
INCLUDING AGENCY TITLE VI IMPLEMENTATION PLANS,
UPDATES, AND COMPLIANCE REPORTS**

EXECUTIVE SUMMARY

REPORT ON COMPLIANCE WITH CIVIL RIGHTS LAWS INCLUDING AGENCY TITLE VI IMPLEMENTATION PLANS, UPDATES, AND COMPLIANCE REPORT

EXECUTIVE SUMMARY YEAR ENDED JUNE 30, 2000

Title VI of the Federal Civil Rights Act of 1964 guarantees the access of all citizens to federally assisted programs. Section 601 of the Federal Civil Rights Act of 1964 states, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Purpose and Scope

In 1994, the General Assembly enacted Senate Bill 248 (KRS 344.015). This bill requires a state agency, if it is subject to Title VI of the Federal Civil Rights Act of 1964, to prepare and submit Title VI implementation plans and annual plan updates to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1 of each year. This report contains the Title VI implementation plans and annual updates due July 1, 2000.

45 KAR 1:080 states that the Auditor of Public Accounts is responsible for preparing and issuing the Statewide Single Audit of the Commonwealth of Kentucky, including compliance with Title VI requirements. 45 KAR 1:080 also details the format that agencies are required to use when submitting the initial Title VI implementation plan and annual plan updates.

Compliance Assessment

The Auditor’s office reviewed each agency’s Title VI implementation plan and annual plan update due July 1, 2000. A spreadsheet detailing each agency’s compliance with the thirteen (13) requirements of 45 KAR 1:080 has been prepared and is presented herein (pages 19-24). (See pages 13 to 17 for 45 KAR 1:080. Note that 1-13 across the top of the table corresponds to the thirteen (13) required components per 45 KAR 1:080 Section 4. The six (6) components to be updated annually are shaded.)

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**TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964
NONDISCRIMINATION IN
FEDERALLY ASSISTED PROGRAMS**

**TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964
NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

42 U.S.C.A. §§ 2000d THROUGH 2000d-4a

SEC. 2000d. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 2000d- 1. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: provided, however, that no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency, shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 2000d-2. Any department or agency action taken pursuant to section 2000d- I of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d- I of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of Title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964
NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS
42 U.S.C.A. §§ 2000d THROUGH 2000d-4a
(CONTINUED)

SEC. 2000d-3 Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 2000d-4. Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SEC. 2000d-4a. For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of

- (1) (A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or
(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
- (2) (A) a college, university, or other postsecondary institution, or public system of higher education; or
(B) a local educational agency (as defined in section 8801 of Title 20), system of vocational education, or other school system;
- (3) (A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship
 - (i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
 - (ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
- (4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

NOTE: 42 U.S.C.A. Ji 2000d-5 through 2000d-7 are not reproduced here.

KRS 344.015

KRS 344.015. Implementation plans for Federal Civil Rights Act, Title VI by state agencies.

- (1) As used in this section, “state agency” means any department or administrative body of state government, as defined in KRS 12.010, that is subject to the requirements of Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C. secs. 2000d et seq., and regulations promulgated thereunder.
- (2) Each state agency shall:
 - a) Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:
 1. Be developed with the participation of protected beneficiaries; and
 2. Include Title VI implementation plans of any subrecipients of federal funds through the state agency;
 - b) Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and
 - c) Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.
- (3) The Auditor of Public Accounts shall prepare a report on the actions which state agencies are required to take to implement Title VI, and a report summarizing and evaluating, relative to the required implementation actions, the initial state agency implementation plans and including audit findings from the Auditor of Public Accounts field reviews. The Auditor of Public Accounts shall transmit the reports to the Governor, the Human Rights Commission, the Legislative Research Commission, and each state agency. The Auditor of Public Accounts may prescribe the report format, procedure, and time frame for purposes of complying with this subsection. The prescribed format, procedure, and time frame shall be established by administrative regulation pursuant to KRS Chapter 13A.
- (4) In addition to being available from the promulgating state agency, all implementation plans, reports, and updates required by and submitted under subsection (2) of this section shall be available for inspection and copying under KRS 61.870 to 61.884 in the offices of the Auditor of Public Accounts.
- (5) In any annual audit made of a state agency under KRS 43.050, the Auditor of Public Accounts shall determine whether the state agency has complied with subsections (2) of this section and shall include the determination in the audit report.
- (6) To the extent permitted by federal law or regulation, any increased costs incurred by a state agency, the Auditor of Public Accounts, or the Human Rights Commission under this sections shall be paid from any available federal funds that may be used for implementation of Title VI of the Federal Civil Rights Act of 1964.

(Enact. Acts 1994, ch. 204, § 1, effective July 15, 1994.)

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45 KAR 1:080

45 KAR 1:080. Standards for Title VI reporting.

RELATES TO: KRS Chapter 344, 42 USC 2000d

STATUTORY AUTHORITY: KRS 344.015

NECESSITY, FUNCTION, AND CONFORMITY: The 1994 General Assembly enacted Senate Bill 248 (KRS 344.015) which requires that all state agencies as defined in KRS 12.010 prepare and submit Title VI implementation plans and annual updates to the Auditor of Public Accounts if the agency is subject to Title VI of the Federal Civil Rights Act of 1964. The Auditor of Public Accounts is responsible for the preparation and issuance of the Single Statewide Audit of Federal Funds for Kentucky state government including compliance with Title VI requirements. This administrative regulation establishes the uniform format agencies are required to use when submitting the Initial Implementation Title VI Plan and Annual Plan Updates to the Auditor of Public Accounts.

Section 1. (1) Title VI Initial Implementation Plan and Annual Plan Updates shall:

- (a) Be submitted in the format set out in Section 4 of this administrative regulation; and
- (b) Contain the information specified by the provisions of this administrative regulation.
- (2) The entire agency shall be in compliance with Title VI, even if only one (1) federal grant is received.
- (3) Standard complaint forms or guidelines shall be developed and adopted by the agency.
- (4) Complaints shall be filed orally or in writing.
- (5) A compliance review instrument shall be developed by the agency, such as, a self-survey, assessment checklist, preaward, routine or enforcement plan, along with the criteria for selecting and scheduling reviews.
- (6) The agency shall provide persons with information relating to its Title VI plan, nondiscrimination policies, complaint procedures, programs and services.
 - (a) This information may include, brochures, newsletters, contract agreements, educational materials, Title VI Act and federal regulations, and preventive outreach programs.
 - (b) Informational materials shall be made available in a centralized place for distribution upon request.
- (7) The agency shall submit annual Title VI compliance reports and updates to the plan.
- (8) Agency and subrecipients shall establish a system for data collection and reporting data which shows the extent to which members of protected parties are participating in the programs and activities.

Section 2. For all state agencies receiving federal funds, an annual Title VI plan update shall be submitted to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter.

Section 3. If a state agency that was not a recipient of federal funds on January 1, 1995, receives federal funds it shall prepare and submit the Title VI implementation plan within ninety (90) days of award and receipt of the federal funds.

Section 4. The federal Title VI implementation plan shall contain the information prescribed by this section in succinct and concise language. Subsections (6), (7), (9), (10), (12) and (13) of this section shall be updated annually.

(1) Glossary/definitions. Definitions of all common terms stated in the plan shall be included in this section to ensure that agency staff, recipients and beneficiaries have consistent applicable definitions.

(2) Overview. A clear and brief description of the agency mission and structure and the relationship of Title VI requirements to the agency's operations.

(3) Scope of Title VI applicability to programs and activities. Specify prohibited discrimination practices under Title VI in relation to agency activities.

(4) Responsible official. The name, title, address and telephone number of the primary contact for the agency and the person in charge of implementation, compliance and reporting shall be designated in this section.

(5) Statement of assurances.

(a) Provide a statement that the agency, subrecipients and all parties involved have complied with Title VI.

(b) This statement shall be consistent with any assurances provided to the applicable federal agency which provides funding for covered activities. Also include:

1. A statement that a subrecipient shall have agreed in writing to adopt the Title VI plan of that agency.

2. If the subrecipient's Title VI plan differs from the state agency plan, a statement that the subrecipient plan shall be available for review from the name and title of officials identified in subsection (4) of this section.

(6) Identify programs or activities subject to Title VI.

(a) Identify each program, type of assistance identified in the federal grant agreement, and the manner in which the agency shall deliver the service or perform the activity.

(b) List the federal program, coverages and potential beneficiaries.

(7) Complaint procedures.

(a) Describe the complaint procedures within the agency as follows:

1. How a complaint shall be filed;

2. Where to file a complaint;

3. Time frame within which the complaint shall be processed by the agency; and

4. Withdrawal of a complaint;

(b) Describe agency procedures relating to investigations, report of findings, hearings and appeals.

(8) Compliance/noncompliance reporting.

(a) Describe agency plans to regulate, monitor, review, and report on the federal programs to assure compliance.

(b) Identify actions to be taken by the agency upon a finding of noncompliance, including:

1. Processing;

2. Reporting;

3. Resolution;

4. Enforcement of corrective actions; and

5. Monitoring of programs.

(9) Agency training plan.

(a) Describe the agency education and training plan, orientation, and technical assistance related to agency implementation of the plan;

(b) Identify ways the agency plans to improve staff capability, knowledge and effectiveness.

(10) Evaluation procedures of Title VI plan.

(a) Specify how the agency shall measure its goals and the time frame established to achieve those goals.

(b) The agency shall:

1. Describe how it plans to evaluate the Title VI plan and maintain continued compliance;
2. Identify any existing needs or plan deficiencies;
3. Maintain written progress reports; and
4. Describe corrective procedures.

(11) Public notice and outreach.

(a) Identify how the agency shall inform persons about the agency's:

1. Title VI plan;
2. Complaint procedures;
3. Nondiscrimination policy; and
4. Programs and services.

(b) Identify the agency contact person, office or department responsible for distribution of information relating to paragraph (a) of this subsection.

(12) Recordkeeping and reporting.

(a) Describe the recordkeeping procedures for the following:

1. Filing and processing of complaints;
2. Administrative data or records applicable to the plan;
3. Data sheets, including, a complaint log or performance reports, standardized forms, and retention of records.

(b) Changes in subsections (8) and (9) of this section of the plan shall be identified in this subsection.

(c) Provide reporting data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

(13) Minority representation on planning board or advisory body.

- (a) Describe the representation of minorities on any agency board or advisory body;
- (b) If minority representation is deficient on these bodies, describe what policy the agency shall implement to ensure minority participation on advisory bodies; and
- (c) Describe the race and national origin of the agency's staff.

Section 5. The agency shall submit Title VI initial plans, and annual Title VI plan updates on the "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995).

Section 6. Incorporation By Reference. (1) "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995) is incorporated by reference.

(2) This document may be inspected, copied, or obtained at the Office of the Auditor of Public Accounts, 144 Capitol Annex, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday. (21 Ky.R. 1399; eff. 2-8-95.)

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**SCHEDULE OF COMPLIANCE WITH
45 KAR 1:080 SECTION 4**

**Title VI Civil Rights
SSWAK - Phase II
Fieldwork
FYE 6/30/2000**

Schedule of Compliance with 45 KAR 1:080 Section 4

Purpose: To test Title VI implementation plan updates for compliance/completeness

Source: Auditor, Title VI implementation plan updates FY00

Note: 1-13 across the top correspond to the thirteen (13) required components per 45 KAR 1:080 Section 4 (page 13.)
The six (6) components required to be updated annually are highlighted.

	Glossary	Overview	Scope Applicability	Responsible Official	Statement of Assurances	ID Programs Under Title VI	Complaint Procedures	Noncomply-Comply Rpt	Agency Training Plan	Evaluation Proc. Of Plan	Notice and Outreach	Recordkeeping and Reporting	Minority Rep. On Board
AGENCY	1	2	3	4	5	6	7	8	9	10	11	12	13
Department of Public Advocacy	Y	Y	Y	Y	Y	N5	N7	Y	Y	N15	Y	N18	N20
Cabinet for Health Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Revenue Cabinet	Y	Y	Y	Y	Y	N6	Y	Y	Y	Y	Y	Y	Y
Kentucky Housing Corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N18	Y
Kentucky Tourism Development Cabinet	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N22
Cabinet for Workforce Development	Y	Y	Y	Y	Y	Y	^	Y	Y	Y	Y	N18	Y
Kentucky Heritage Council	Y	Y	Y	Y	Y	N5	N7	Y	N13	N16	Y	N18	N20
Office of EEO and Contract Compliance	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kentucky Labor Cabinet	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kentucky Department for Libraries and Archives	Y	Y	Y	N10	Y	N5	Y	Y	Y	Y	Y	Y	N22
Kentucky Commission on Human Rights	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Natural Resources and Environmental Protection Cabinet	N1	N2	N3	Y	N4	N5	N8	N9	N13	N16	N17	N18	N20
The Kentucky Arts Council	^	^	^	^	^	^	^	^	^	^	^	^	^
Office of the Governor	Y	Y	Y	Y	Y	N6	Y	Y	Y	Y	Y	Y	Y
Kentucky Higher Education Student Loan Corporation	^	^	Y	^	^	^	^	^	^	^	^	^	Y
Cabinet for Economic Development	Y	Y	Y	N10	Y	Y	Y	Y	N13	Y	Y	Y	N20
Kentucky Educational Television	^	^	^	^	^	^	^	^	^	^	^	^	^
Kentucky Department of Education	^	^	^	^	^	^	^	^	^	^	^	^	^
Department for Local Government	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public Service Commission	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N22
Department of Mines and Minerals	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N22
Department of Military Affairs	N1	Y	Y	Y	Y	^	^	Y	^	^	Y	^	^
Kentucky Historical Society	Y	Y	Y	Y	Y	N5	N12	Y	N13	N15	Y	N18	N21
Kentucky Council on Postsecondary Education	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N22
Office of the Attorney General	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N22
Kentucky Transportation Cabinet	Y	Y	Y	Y	Y	Y	Y	Y	N13	Y	Y	N18	N20
Kentucky Higher Education Assistance Authority	^	^	^	^	^	^	^	Y	^	^	^	^	N21
Department of Agriculture	N1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N22
Kentucky Justive Cabinet	N1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Department of Alcoholic Beverage Control	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kentucky Center for the Arts	Y	Y	Y	Y	Y	N6	Y	Y	N13	N14	Y	Y	N22
Cabinet for Families and Children	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Conclusion: See tickmark legend on page 22
See conclusion on page 23

**Title VI Civil Rights
SSWAK – Phase II
Fieldwork
FYE 6/30/2000**

Purpose: To present tickmark legend for test on page 21.

Source: Auditor

- Y-** Contains the Necessary Information
- ^-** Sent one page update that simply said “No changes”
- N1-** Does not contain glossary
- N2-** Does not include a clear and brief description of the agency mission and structure
- N3-** Does not specify prohibited discrimination practices under Title VI in relation to agency activities
- N4-** Does not provide that the agency, subrecipients, and all parties involved complied with Title VI
- N5-** Does not identify each program, type of assistance identified in the federal grant agreement
- N6-** Does not list the federal program, coverage, and potential beneficiaries
- N7-** Does not describe the complaint procedures within the agency as follows: How the complaint shall be filed; where to file a complaint; time frame within which the complaint shall be processed by the agency; and, withdrawal of complaint
- N8-** Does not describe agency procedures relating to investigations, report of findings, and hearings and appeals
- N9-** Does not describe plans to regulate, monitor, review, and report on the federal programs to assure compliance
- N10-** Does not list responsible official
- N12-** Does not identify actions to be taken by the agency upon a finding of noncompliance
- N13-** Does not describe the agency education and training plan, orientation, and technical assistance related to agency implementation of the plan
- N14-** Does not identify ways the agency plans to improve staff capability, knowledge, and effectiveness
- N15-** Does not specify how the agency shall measure its goals and the time frame established to achieve those goals.
- N16-** Does not describe how it plans to evaluate the Title VI plan and maintain continued compliance
- N17-** Does not identify how the agency shall inform persons about the agency’s Title VI plan, complaint procedures, nondiscrimination policy, and programs and services
- N18-** Does not describe recordkeeping procedures for processing of complaints, administrative data or records applicable to the plan, data sheets, complaint log, or performance reports
- N20-** Does not describe the representation of minorities on any agency board or advisory board
- N21-** Does not describe what policy the agency shall implement to ensure minority participation on advisory bodies
- N22-** Does not describe the race and national origin of the agency staff

Conclusion: Tickmark legend has been presented.

**SCHEDULE OF COMPLIANCE WITH 45 KAR 1:080 SECTION 4
YEAR ENDED JUNE 30, 2000
(CONTINUED)**

SUMMARY:

We reviewed each Title VI update and implementation plan submitted by federally funded agencies to determine whether the agency was in compliance with the requirements of 45 KAR 1:080 and KRS 344.015. All agencies receiving federal funds, except for universities and colleges for fiscal year 2000, submitted Title VI plans/updates. Universities and colleges are not listed in SEFA or SSWAK and have their own reporting requirements for Title VI. In reviewing the thirty-two Title VI plans submitted by the agencies, we found the following:

45 KAR 1:080 Requirement	Number of Problems In Requirement Area
1	4
2	1
3	1
4	2
5	1
6	14
7	11
8	1
9	12
10	11
11	1
12	13
13	19

CONCLUSION AND RECOMMENDATIONS:

The Title VI implementation plans and/or updates submitted by agencies receiving federal funds have been examined for compliance with 45 KAR 1:080. In performing this test, we noted numerous noncompliance issues.

Only the six (6) shaded requirements are required to be updated annually. Exceptions noted in the other seven (7) requirements (unshaded) result from the original plan and update not complying with 45 KAR 1:080. In order for agencies with exceptions in these columns to be in compliance with 45 KAR 1:080, they must submit information about the “noncomplying” section, along with that on the six (6) required sections, next year.

NOTE: A tickmark “^” on page 21 signifies that a one-page update was submitted that noted “no changes.” On page 21, each of the six (6) required components (shaded) bearing this tickmark constitutes a noncompliance item and is treated as an exception

because it is required to be updated annually. If any of the seven (7) components that are **not** required to be updated annually (unshaded) bear this tickmark, the submitting agency is considered to be in compliance with that component because previous Title VI plans have included this information.

Each agency will receive a copy of the report that will notify it of noncompliance in accordance with 45 KAR 1:080 and KRS 344.015.

**AGENCIES RECEIVING FEDERAL FUNDS
AND THE DATE OF RECEIPT BY
THE AUDITOR OF PUBLIC ACCOUNTS
OF AGENCY PLANS/UPDATES**

**Title VI Civil Rights
SSWAK – Phase II
Fieldwork
FYE 6/30/2000**

State agencies receiving federal funds as of June 30, 2000 and the date of receipt by the Auditor of Public Accounts of agency plans/updates

Purpose: To determine whether Title VI plans were submitted timely in accordance with KRS 344.015 (2) (c), the following language was applied: “Each state agency shall submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.”

NOTE: Because July 1, 2000 fell on Saturday, the plans were required to be submitted on/or before July 3, 2000.

Source: Agency implementation plan/updates

Agency Receiving Federal Funds As of June 30, 2000	Date Plan, Update, or Report Received	Was Plan Timely Received?
Department of Public Advocacy	9/20/2000	No
Cabinet for Health Services	8/21/2000	No
Revenue Cabinet	7/24/2000	No
Kentucky Housing Corporation	6/30/2000	Yes
Kentucky Tourism Development Cabinet	7/11/2000	No
Department of Parks	Adopted Tourism Cabinet's Plan	
Department of Fish and Wildlife Resources	Adopted Tourism Cabinet's Plan	
Department of Travel	Adopted Tourism Cabinet's Plan	
Cabinet for Workforce Development	7/25/2000	No
Department of Community Development	Adopted Workforce Cabinet's Plan	
Department of Business Development, Site Development Division	Adopted Workforce Cabinet's Plan	
Kentucky Heritage Council	6/23/2000	Yes
Office of EEO and Contract Compliance	6/15/2000	Yes
Kentucky Labor Cabinet	7/03/2000	Yes
Kentucky Department for Libraries and Archives	6/27/2000	Yes
Kentucky Commission on Human Rights	6/26/2000	Yes
Natural Resources and Environmental Protection Cabinet	6/29/2000	Yes
The Kentucky Arts Council	7/12/2000	No
Office of the Governor	7/03/2000	Yes
Kentucky Higher Education Loan Corporation	6/05/2000	Yes
Cabinet for Economic Development	7/03/2000	Yes
Kentucky Educational Television	7/11/2000	No
Kentucky Department of Education	7/03/2000	Yes
Department for Local Government	6/28/2000	Yes
Public Service Commission	6/21/2000	Yes
Department of Mines and Minerals	6/22/2000	Yes
Kentucky Historical Society	7/06/2000	No

Kentucky Council on Postsecondary Education	7/03/2000	Yes
Office of the Attorney General	7/03/2000	Yes
Kentucky Transportation Cabinet	6/30/2000	Yes
Kentucky Higher Education Assistance Authority	6/28/2000	Yes
Department of Agriculture	6/30/2000	Yes
Kentucky Justice Cabinet	6/29/2000	Yes
Department of Alcoholic Beverage Control	7/26/2000	No
Kentucky Center for the Arts	1/09/2001	No
Cabinet for Families and Children	6/30/2000	Yes
Department of Military Affairs	7/12/2000	No

Conclusion: The Auditor of Public Account's Office received 32 Title VI Implementation Plans and/or updates from agencies listed for the fiscal year ended June 30, 2000 Schedule of Expenditures of Federal Awards. Of the 32 received, 21 were received on or before July 3, 2000. Approximately 66% of all agencies required to submit Title VI implementation plan/or updates submitted the reports in accordance with KRS 344.015 (2) (c).